



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

DA 05-175

January 26, 2005

## OET CLARIFIES EQUIPMENT AUTHORIZATION POLICY FOR UNLICENSED NATIONAL INFORMATION INFRASTRUCTURE (U-NII) DEVICES OPERATING IN THE 5 GHz BAND

In the *5 GHz U-NII Report and Order*, ET Dkt No. 03-122, 18 FCC Rcd 24484 (2003), the Commission required, among other things, that U-NII devices operating in the 5.250-5.350 GHz band employ dynamic frequency selection (DFS) to ensure protection of Federal Government radar systems. Prior to initiating a transmission, a U-NII device's DFS mechanism would monitor the available spectrum in which it could operate for a radar signal. If a signal were to be detected, the channel associated with the radar signal would either be vacated and/or flagged as unavailable for use by the U-NII device.

Applications for initial equipment certification filed after January 20, 2005 for U-NII equipment operating in the 5.250-5.350 GHz band must meet the rules adopted in the *5 GHz U-NII Report and Order*. In addition, to prevent equipment without DFS capabilities from being imported and marketed indefinitely, equipment designed to operate in the 5.250-5.350 GHz band cannot be marketed or imported after January 20, 2006. *See* 47 C.F.R. § 15.37(l).

The FCC, National Telecommunications & Information Administration (NTIA), the Department of Defense (DOD) and the industry have been developing the testing methodologies for ensuring that DFS adequately protects Federal Government radar systems. As a result, measurement procedures for certifying U-NII devices containing DFS capabilities have not yet been finalized. All parties are currently working together to reach an agreement and expect that remaining issues will be resolved expeditiously.

In light of these circumstances and pursuant to Section 0.241(b) of the Commission's Rules, OET will not apply the January 20, 2005 cut-off date for applications for certification of U-NII equipment operating without DFS or transmit power control (TPC) in the 5.250-5.350 GHz band for a period of sixty (60) days, effective immediately upon release of this *Public Notice*. The Commission will issue further guidance on this matter shortly.

Please direct any questions about this *Public Notice* to Priya Shrinivasan at (202) 418-7005 or [Priya.Shrinivasan@fcc.gov](mailto:Priya.Shrinivasan@fcc.gov).

--FCC--